

**ORDER OF BUSINESS
BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA**

JUNE 2, 2009

**TUESDAY
9:30 A.M.**

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
- 3. CONSENT AGENDA (Pages 6 - 21)**
- 4. SPECIAL PRESENTATIONS - 9:30 A.M. (Page 22)**
- 5. PUBLIC HEARING - 9:30 A.M. (Page 23)**
- 6. REGULAR AGENDA (Pages 24 - 29)**
TIME CERTAIN 10:00 A.M. (2009 Legislative Session Final Report) (Page 24)
TIME CERTAIN 2:15 P.M. (2009 Hurricane Preparedness Update) (Page 27)
- 7. BOARD APPOINTMENTS (Page 30)**
- 8. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 31)**
- 9. STAFF COMMENTS (Page 32)**
- 10. COMMISSIONER COMMENTS (Page 33)**
- 11. ADJOURNMENT (Page 33)**

TABLE OF CONTENTS

CONSENT AGENDA

A. ADMINISTRATION

Page 6

- 3A-1 Brownfield's Economic Development Initiative Grant Application to U.S. Department of Housing & Urban Development

B. CLERK & COMPTROLLER

Page 6

- 3B-1 Warrant list
- 3B-2 Minutes
- 3B-3 Contracts and claim settlements list
- 3B-4 Report of County Officials Bonds

C. ENGINEERING & PUBLIC WORKS

Page 6

- 3C-1 Change Order No. 12 with J.W. Cheatham for construction of Greenview Shores Blvd.
- 3C-2 Report of plat recordations

Page 7

- 3C-3 Release of easements in Westgate area with New County Cars of Palm Beach
- 3C-4 Joint Participation and Project Funding Agreement with Town of Jupiter for utility construction on Alternate A1A
- 3C-5 Joint Participation and Project Funding Agreement with City of West Palm Beach for utility construction on Okeechobee Boulevard
- 3C-6 Joint Participation and Project Funding Agreement with Town of Jupiter for utility construction on Jog Road

D. COUNTY ATTORNEY - None

E. COMMUNITY SERVICES

Page 8

- 3E-1 Application to Florida Department of Education for Summer Food Program
- 3E-2 Request for Proposal response for Community Care for the Elderly, Alzheimer's Disease Initiative, and Home Care for the Elderly with Area Agency on Aging
- 3E-3 Project Application with Florida Department of Education for Farmworker Jobs & Education Program

F. AIRPORTS

Page 9

- 3F-1 Utility Easement Agreement w/FPL for utility service to Glades Airport
- 3F-2 Receive and file six (6) standard agreements for Department of Airports

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 9

- 3G-1 Certify the non ad-valorem assessment roll

Page 10

- 3G-2 Budget Transfer/Amendments related to the \$94,235,000 Public Improvement Revenue Bonds

Page 11

- 3G-3 Disaster Relief Agreement with Florida Department of Community Affairs

H. FACILITIES DEVELOPMENT & OPERATIONS

Page 12

- 3H-1 JOC Work Order No. 09-096 with M.A.C. Construction for exterior caulking of the Government Center
- 3H-2 Renewal of Lease Agreement with School Board regarding Delray Full Start Center
- 3H-3 Receive and file change of ownership of building leased for Tourist Development Council

Page 13

- 3H-4 Renewal of Lease Agreement with Bedner Farm, Inc. for 246 acres for agricultural

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

I. HOUSING & COMMUNITY DEVELOPMENT

- Page 13
3I-1 Release of Reverter on land donated to City of West Palm Beach for affordable housing
Page 14
3I-2 Five (5) amendments to Emergency Shelter Grants Program agreements

J. PLANNING, ZONING & BUILDING - None

K. WATER UTILITIES

- Page 15
3K-1 Contract with Sheltra & Son Construction Company for potable water, reclaimed water, wastewater pipelines, manholes and lift stations
3K-2 Consultant Services Authorization No. 23 with Jordan Jones and Goulding for East Central Regional Water Reclamation Facility construction administration

L. ENVIRONMENTAL RESOURCES MANAGEMENT

- Page 15
3L-1 Contract with Weeks Marine, Inc. for Juno Beach Shore Projection 2nd Nourishment project
Page 16
3L-2 FDOT Local Agency Program Agreement regarding Bluegill Trail construction costs
Page 17
3L-3 Change Order No. 1 with M&J Construction Company for artificial reef and breakwater projects
3L-4 Corrective Deed for Conservation Easement in Old Gate Subdivision

M. PARKS & RECREATION

- Page 18
3M-1 Receive and file two (2) independent contractor agreements for Parks & Recreation
3M-2 Recreation Assistance Program allocation for swimming lessons at Pioneer Park Pool
3M-3 Budget Transfer to Saltwater Boat Ramp Trailer Parking Program

N. LIBRARY - None

P. COOPERATIVE EXTENSION SERVICE - None

Q. CRIMINAL JUSTICE COMMISSION

- Page 18
3Q-1 Submittal of four (4) grant proposals to FDLE for Edward Byrne Memorial Justice Assistance Grant Program

R. HUMAN RESOURCES - None

S. FIRE RESCUE - None

T. HEALTH DEPARTMENT - None

U. INFORMATION SYSTEMS SERVICES - None

V. METROPOLITAN PLANNING ORGANIZATION - None

W. PUBLIC AFFAIRS - None

X. PUBLIC SAFETY - None

Y. PURCHASING - None

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

Z. RISK MANAGEMENT

- Page 19
3Z-1 Medicare, Medicaid, and SCHIP Extension Act new mandatory reporting requirements compliance

AA. PALM TRAN

- Page 19
3AA-1 Transportation Disadvantaged Trip and Equipment Grant Application with Florida Commission for the Transportation Disadvantaged
3AA-2 FDOT Supplemental Joint Participation Agreement regarding park and ride lots
Page 20
3AA-3 Budget Amendments regarding operating funding for mass transit grants
3AA-4 FDOT Supplemental Joint Participation Agreement regarding park and ride lots in Palm Beach and Martin Counties relative to the Palm Beach/Martin express bus services

BB. TOURIST DEVELOPMENT COUNCIL

- Page 21
3BB-1 Super Bowl 2010 expenditure to promote Palm Beach County tourism

SPECIAL PRESENTATIONS - 9:30 A.M.

- Page 22
4A World Refugee Day
4B Dump the Pump Day

PUBLIC HEARING - 9:30 A.M.

- Page 23
5A Tourist Development Ordinance

REGULAR AGENDA

ADMINISTRATION

- Page 24
6A-1 2009 Legislative Session final report – **TIME CERTAIN 10:00 A.M.**
6A-2 Resolution supporting a National Health Care system
6A-3 Supervisor of Election's Voter Equipment Center location
Page 25
6A-4 Resolution supporting TBC Parent Holding Corporation for Florida's Qualified Target Industry Tax Refund Program

HOUSING & COMMUNITY DEVELOPMENT

- Page 25
6B-1 Amendment No. 1 to Residential Rehabilitation Program policies
Page 26
6B-2 11th Amendment to Palm Beach County FY 2008-2009 Action Plan

PLANNING, ZONING & BUILDING

- Page 26
6C-1 Budget Transfer/Amendment regarding demolition of damaged properties

PUBLIC SAFETY

- Page 27
6D-1 Animal Care & Control Ordinance
6D-2 2009 Hurricane Preparedness Update – **TIME CERTAIN 2:15 P.M.**

JUNE 2, 2009

TABLE OF CONTENTS
REGULAR AGENDA CONTINUED

WATER UTILITIES

Page 27

6E-1 Wastewater Facilities Use Ordinance

ENGINEERING & PUBLIC WORKS

Page 28

6F-1 Land Development fees

6F-2 Fargo Avenue paving

OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 29

6G-1 Line of Credit with Wachovia for four (4) bond issues

BOARD APPOINTMENTS (Page 30)

MATTERS BY THE PUBLIC – 2:00 P.M. (Page 31)

STAFF COMMENTS (Page 32)

COMMISSIONER COMMENTS (Page 33)

ADJOURNMENT (Page 33)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to adopt: a Resolution authorizing the submittal of a \$1 million Brownfield's Economic Development Initiative (BEDI) Grant Application and a new \$4 million Section 108 Federal Loan Application to the U.S. Department of Housing and Urban Development. **SUMMARY:** The Pahokee Downtown Revitalization Project is a \$8.5 million public-private partnership represented by 11 private business owners seeking to renovate 16 commercial properties along 12 city blocks in downtown Pahokee. The present condition of the commercial buildings on downtown Pahokee warrants a revitalization initiative that will encourage business development in this economically distressed area of the County. If this grant and loan are awarded to Palm Beach County, the BEDI Grant will represent 12 % (\$1M) and the Section 108 Loan 47% (\$4M) of the total project cost. The remaining balance will be financed by the private sector and a Bond Program. **No County funds will be pledged to complete this project.** District 6 (DW)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. Staff recommends motion to approve: the following final minutes of the Board of County Commissioners' meetings:

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	April 7, 2009
Environmental Control Board	April 7, 2009

3. Staff recommends motion to approve: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. Staff recommends motion to review for sufficiency and to receive and file: Report of County Officials Bonds for the Board's examination as to the sufficiency of the sureties, dated June 2009. **SUMMARY:** Ordinance 98-51 sets various bond amounts for specified county officers and provides for examination of the sufficiency of all the bonds at the regular meeting of the Board of County Commissioners, in January and June of each year. Countywide (PK)

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to ratify: Change Order No. 12 to Contract No. R2007-0010 with J.W. Cheatham, LLC for construction of Greenview Shores Boulevard from South Shore Boulevard to Wellington Trace. **SUMMARY:** Change Order No. 12 for the amount of \$31,826.48 and a three (3) day time extension was for drainage modifications due to errors and omissions in design. This Change Order was previously approved by the Contract Review Committee. District 2 (MRE)
2. Staff recommends motion to receive and file: a report of plat recordations from January 1, through March 31, 2009. **SUMMARY:** This is a quarterly summary of subdivision plats recorded during the past fiscal quarter as required by Department of Engineering and Public Works Policies and Procedures Manual Item No. ED-O-11, governing administrative approval of plats by the County Engineer. Countywide (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve: a Release of Easements owned by Palm Beach County (County) in the Westgate area, south of Okeechobee Boulevard between Indian Road and Wabasso Drive. **SUMMARY:** Approval of this item will release the County's interest in the existing easements, which are not being used by New County Cars of Palm Beach, LLC (New County Cars) or by the County, and said easements have been replaced by a new drainage easement New County Cars. District 2 (PFK)

4. Staff recommends motion to approve: a Joint Participation and Project Funding Agreement with the Town of Jupiter (Town) in the amount of \$11,747 for utility construction on Alternate A1A (SR 811) from Frederick Small Road to Center Street. **SUMMARY:** Approval of this Agreement will allow Palm Beach County (County) and the Town to jointly participate in the utility adjustments to the water system and other improvements along the right-of-way. The Town agrees to reimburse the County for the cost of these utility adjustments and other improvements. District 1 (MRE)

5. Staff recommends motion to approve: a Joint Participation and Project Funding Agreement with the City of West Palm Beach (City) in the amount of \$148,102.90 for utility construction on Okeechobee Boulevard from West of SR 7 to Jog Road. **SUMMARY:** Approval of this Agreement will allow Palm Beach County (County) and the City to jointly participate in the utility adjustments to the water system and other improvements along the right-of-way. The City agrees to reimburse the County for the cost of these utility adjustments and other improvements. District 6 (MRE)

6. Staff recommends motion to approve:
 - A)** a Joint Participation and Project Funding Agreement with the Town of Jupiter (Town) in the amount of \$ 8,100 for utility construction on Jog Road/Donald Ross Road from Hood Road to 64th Drive North; and

 - B)** a Budget Amendment of \$8,100 in the Road Impact Fee Fund - Zone 1 to recognize reimbursement funding from the Town of Jupiter for reimbursable utility work and appropriate it to Jog Road/Donald Ross Road from Hood Road to 64th Drive North.**SUMMARY:** Approval of this Agreement will allow Palm Beach County (County) and the Town to jointly participate in the utility adjustments to the water system and other improvements along the right-of-way. The Town agrees to reimburse the County for the cost of these utility adjustments and other improvements. Approval of this Budget Amendment will reflect the funding by the Town for the utility improvements to be incorporated into the County's construction of the project. District 1 (MRE)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to:

A) ratify the Chairman's signature on the application to the Florida Department of Education (DOE) for participation in the Summer Food Service Program (SFSP) for the period of June 4, 2009, through August 14, 2009, in an amount not to exceed \$683,878 to provide nutritious meals for children; and

B) approve an upward Budget Amendment of \$147,016 in the General Fund, Human Services contingent upon the grant award.

SUMMARY: This program funds approximately 71 sites where meals will be provided to children 18 years and younger. These sites will provide a maximum of 2,655 breakfasts; 4,757 lunches; and 2,292 snacks daily during the summer months. A budget amendment is needed to recognize the increase in revenue which is based on meal count and new reimbursement rate. No County funds are required. (Human Services) Countywide (TKF)

2. Staff recommends motion to ratify: the Chairman's signature on the Request for Proposal (RFP) response for the Community Care for the Elderly (CCE) grant amount of \$1,254,217; for the Alzheimer's Disease Initiative - Respite Services (ADI) grant amount of \$255,311; and for the Home Care for the Elderly (HCE) grant amount of \$103,769, for State funds totaling \$1,613,297 with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA) for the period July 1, 2009, through June 30, 2010 for various services to the elderly, with two (2) one (1) year renewal options.

SUMMARY: The RFP encompasses Department of Elder Affairs (DoEA) funded programs managed by the AAA including CCE, ADI and HCE. It also includes \$96,505 in HCE Subsidy funds to be paid directly to the clients by AAA. As a lead Agency, Division of Senior Services (DOSS) will provide case management, case aide and adult day care services directly and will contract with vendors to provide a variety of in-home services to assist functionally impaired elderly persons in living independently at home. A required 10% County match funding for CCE and ADI only of \$139,357, and \$28,368 respectively and additional County match funding (over match) of \$466,312 is needed for the three (3) grants to cover staff salaries and administrative costs not covered by the grants. The contract period will span two (2) County fiscal years. Sufficient funding is available in the FY 2009 budget to meet County obligations. County match and additional funding required to meet FY 2010 obligations has been requested in the FY 2010 budget. The response to the RFP was submitted through the emergency signature process due to the requirement of the AAA that it be returned by May 1, 2009 and there was insufficient time to submit it through the regular agenda process. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)

3. Staff recommends motion to approve: Project Application with the Florida Department of Education for the Farmworker Jobs & Education Program under Title I of the Workforce Investment Act, for the period July 1, 2009, through June 30, 2010, for a not-to-exceed amount of \$328,582. **SUMMARY:** The Farmworker Jobs & Education Program (formerly Adult Migrant Program) is funded by the State Department of Education to provide academic education and vocational training to farm workers and their dependents to get permanent employment outside of farm work. The FY 2009-2010 program will provide enrollment and training services for 147 participants. No County funds are required. (Farmworker Jobs & Education Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. **Staff recommends motion to approve:** a Utility Easement Agreement with Florida Power & Light for utility service to Palm Beach County Glades Airport. **SUMMARY:** Florida Power & Light is requiring the County to grant a utility easement for electric utility facilities being installed to provide utility service at Palm Beach County Glades (Pahokee) Airport. Countywide (JMB)

2. **Staff recommends motion to receive and file:** six (6) original Agreements for the Department of Airports:

A) Agreement to Terminate Hangar Lease Agreement with Robert Thrun, Unit 4, Building 11230 at North County Airport, terminating R2005-0018 on April 30, 2009;

B) North County General Aviation Airport Hangar Lease Agreement with Avion Partners, LLC, Unit 4, Building 11230 for one (1) year, automatically renewed at one (1) year intervals, commencing on May 1, 2009;

C) North County General Aviation Airport Hangar Lease Agreement with Malcolm S. Easterling, Unit 18, Building 11730 for one (1) year, automatically renewed at one (1) year intervals, commencing on May 1, 2009;

D) North County General Aviation Airport Hangar Lease Agreement with Wendy Air, LLC, Unit 18, Building 11300 for one (1) year, automatically renewed at one (1) year intervals, commencing on May 1, 2009;

E) License Agreement with Enterprise Leasing Company for sole and exclusive use of parking vehicles at PBIA in connection with their Concession Agreement and their leasing and wholesale sales business; and

F) Agreement covering the operation of aircraft at PBIA with Spirit Airlines, Inc., commencing November 1, 2008, expiring September 30, 2009, and automatically extended on a year-to-year basis (October 1st through September 30th).

SUMMARY: Delegation of authority for execution of the standard County agreements above was approved by the BCC in R2004-1367, R2007-1968, R2007-2070 and R2008-1845. Countywide (JB)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to authorize:** the Chairman to certify the non ad-valorem assessment roll on electronic media to the Tax Collector pursuant to Chapter 197, Florida Statutes. **SUMMARY:** In 1998, the County began using the Uniform Method of collecting non-ad valorem special assessments. Under this procedure, special assessments are included on the tax bills. Each year the non-ad valorem assessment roll must be certified to the Tax Collector by September 15. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)

2. Staff recommends motion to approve:

A) Budget Amendment of \$431,514 in the \$27 Million Sunshine Loan No. 7A, Series 2005 Debt Service Fund to record interest earnings and the transfer from the \$27 Million Sunshine Loan No. 7 Debt Service Reserve Fund and adjust the principal payments, payments to refunding bond escrow agent and the transfer to \$94.235M Public Improvement Revenue Bonds, Series 2008-2 Max Planck/Sunshine Loan Refunding Debt Service Fund in accordance with the final payoff of the loan;

B) Budget Transfer of \$431,500 in the \$27 Million Sunshine Loan No. 7A, Series 2005 Debt Service Reserve Fund to record the transfer of reserves for future debt service payments to the \$27 Million Sunshine Loan No 7A Series 2005 Debt Service Fund due to refunding the Bonds;

C) Budget Amendment of \$97,210 in the \$6.1 Million Sunshine Loan No. 8, Series 2006 Debt Service Fund to record interest earnings and the transfer from the \$6.1 Million Sunshine Loan No. 8, Series 2006 Debt Service Reserve Fund and adjust the principal payments, payments to refunding bond escrow agent and the transfer to \$94.235M Public Improvement Revenue Bonds, Series 2008-2 Max Planck/Sunshine Loan Refunding Debt Service Fund in accordance with the final payoff of the loan;

D) Budget Transfer of \$94,250 in the \$6.1 Million Sunshine Loan No. 8, Series 2006 Debt Service Reserve Fund to record the transfer of reserves for future debt service payments to the \$6.1 Million Sunshine Loan No. 8 Series 2006 Debt Service Fund due to refunding the Bonds;

E) Budget Amendment of \$132,298 in the \$8.1 Million Sunshine Loan No. 9, Series 2006 Debt Service Fund to record interest earnings and the transfer from the \$8.1 Million Sunshine Loan No. 9, Series 2006 Debt Service Reserve Fund and adjust the principal payments, payments to refunding bond escrow agent and the transfer to \$94.235M Public Improvement Revenue Bonds, Series 2008-2 Max Planck/Sunshine Loan Refunding Debt Service Fund in accordance with the final payoff of the loan;

F) Budget Transfer of \$133,040 in the \$8.1 Million Sunshine Loan No. 9, Series 2006 Debt Service Reserve Fund to record the transfer of reserves for future debt service payments to the \$8.1 Million Sunshine Loan No 9, Series 2006 Debt Service Fund due to refunding the Bonds;

G) Budget Amendment of \$124,112 in the \$7.5 Million Sunshine Loan No. 7B, Series 2006 Debt Service Fund to record interest earnings and the transfer from the \$7.5 Million Sunshine Loan No. 7B, Series 2006 Debt Service Reserve Fund and adjust the principal payments, payments to refunding bond escrow agent and the transfer to \$94.235M Public Improvement Revenue Bonds, Series 2008-2 Max Planck/Sunshine Loan Refunding Debt Service Fund in accordance with the final payoff of the loan;

H) Budget Transfer of \$124,048 in the \$7.5 Million Sunshine Loan No. 7B, Series 2006 Debt Service Reserve Fund to record the transfer of reserves for future debt service payments to the \$7.5 Million Sunshine Loan No 7B, Series 2006 Debt Service Fund due to refunding the Bonds;

I) Budget Amendment of \$83,979 in the \$4.8 Million Sunshine Loan No. 11, Series 2007 Debt Service Fund to record interest earnings and the transfer from the \$4.8 Million Sunshine Loan No. 11, Series 2007 Debt Service Reserve Fund and adjust the principal payments, payments to refunding bond escrow agent and the transfer to \$94.235M Public Improvement Revenue Bonds, Series 2008-2 Max Planck/Sunshine Loan Refunding Debt Service Fund in accordance with the final payoff of the loan;

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)

2. **Motion/Title/Summary Continued**

J) Budget Transfer of \$82,710 in the \$4.8 Million Sunshine Loan No. 11, Series 2007 Debt Service Reserve Fund to record the transfer of reserves for future debt service payments to the \$4.8 Million Sunshine Loan No 11, Series 2007 Debt Service Fund due to refunding the Bonds; and

K) Budget Amendment of \$97,723 in the \$94.235M Public Improvement Revenue Bonds, Series 2008-2 Max Planck/Sunshine Loans Refunding Debt Service Fund to adjust transfers from the various Sunshine Loan Debt Service Funds and reserves for future debt service payments.

SUMMARY: On November 13, 2008, the County issued \$94,235,000 Public Improvement Revenue Bonds, Series 2008-2 for the purpose of funding payments required under the Grant Agreement with Max Planck Florida Corporation and providing funds to refinance the County obligations to the Sunshine State Governmental Financing Commission. The final payment to refund the Sunshine State Governmental Financing Commissions Loans (the Loans) was made in February 2009. In coordination with the trustee for the Loans, staff has prepared a final accounting for the pay off of the Loans and the above Budget Amendments and Transfers are necessary to adjust the Sunshine State loan funds and the transfers from Sunshine State loan funds to the Series 2008-2 Bonds debt service fund for reserves for future debt service payments. Countywide (PFK)

3. **Staff recommends motion to:**

A) adopt a Resolution approving the Disaster Relief Agreement between the State of Florida, Department of Community Affairs, Division of Emergency Management (Grantee) and Palm Beach County (Sub-Grantee) establishing the County's eligibility to receive reimbursement for costs incurred as a result of damage caused by Tropical Storm Fay that began August 18, 2008; and

B) authorize Chairman or designee and County Administrator or designee to execute and file with any assurances or other documents required to effectuate the purposes of the Agreement.

SUMMARY: The President of the United States declared a major disaster emergency for the entire State of Florida on August 24, 2008, in FEMA-1785-DR-FL making federal funds available to reimburse Palm Beach County on a limited basis (75%) for qualifying expenditures incurred as a result of Tropical Storm Fay that began August 18, 2008. Approval of this Disaster Relief Agreement is a prerequisite to obtaining reimbursement of expenditures. Authorizing the Chairman and County Administrator or their designees to provide supporting documentation will speed the reimbursement process. Countywide (PK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: JOC Work Order No. 09-096 with M.A.C. Construction, Inc., (R2007-0949) in the amount of \$400,335.89 to replace the exterior caulking of the Government Center Building in West Palm Beach. **SUMMARY:** The work consists of removal and replacement of all exterior caulking including resealing of all building joints: all concrete to concrete joints, concrete to metal joints, metal to metal joints, glass to metal joints, and the skylight; with a weatherproofing sealant applied to all stucco surfaces. The Small Business Enterprise (SBE) goal is 15%. The SBE participation in this Work Order is 0%. When the participation for this Work Order is added to M.A.C.'s total participation-to-date, the resulting values are 17.4%. The total construction duration is 180 days. All funding for this project is from the Countywide Repair, Replace and Renovate account. (FD&O Admin) Countywide/District 7 (JM)

2. Staff recommends motion to approve: exercise of the second and final option to extend the term of the Lease Agreement (R2002-1349), as amended with the School Board of Palm Beach County for the County's continued use of approximately 300 sq. ft. of office space within the Delray Full Service Center, for \$1/year. **SUMMARY:** Since 2002, the County has leased approximately 300 sq. ft. of office space at the School Board's Delray Full Service Center, located at 301 Southwest 14th Avenue, Delray Beach, for the operation of a Community Outreach Program. This second and final option will extend the term of the Lease Agreement from August 20, 2009 through August 19, 2010. The School Board provides all electricity, trash removal, utility service, and general maintenance to the leased facility. The annual rent is \$1. All other terms of the Lease Agreement remain unchanged. (PREM) District 7 (HJF)

3. Staff recommends motion to receive and file: a notice of a change of ownership of the building located at 1555 Palm Beach Lakes Boulevard in West Palm Beach, a portion of which is leased by the County on behalf of the Tourist Development Council (R2001-0483). **SUMMARY:** On April 3, 2001, the Board approved a Lease Agreement with Edwin Llwyd Ecclestone, Jr., Trustee of the Edwin Llwyd Ecclestone, Jr. Revocable Living Trust dated January 21, 1981 as wholly restated on September 1, 1998 doing business as the Republic Security Bank Tower (Trust) for 22,342 sq. ft. of office space located at 1555 Palm Beach Lakes Boulevard in West Palm Beach for the Tourist Development Council. On December, 4, 2001, the Board approved Amendment Number One (R2001-2109) which expanded the leased premises by 1,243 sq. ft. to 23,585 sq. ft. for use by the Convention and Visitors Bureau. On March 19, 2009, the County received notice, in accordance with Section 14.01 of the Lease Agreement, that: (i) the Trust conveyed the real property to Regions Financial Tower, LLLP, (ii) all payments shall be made payable to Regions Financial Tower, LLLP, and (iii) all notices and payments shall be mailed to Regions Financial Tower, LLLP, 1555 Palm Beach Lakes Boulevard, Suite 1100, West Palm Beach, Florida, 33401. (PREM) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to receive and file: notice of exercise of the extension option under the Lease Agreement with Bedner Farm, Inc. (R2001-0582) for Bedner Farm's continued agricultural use of approximately 246 acres located in unincorporated western Boynton Beach and unincorporated western Delray Beach. **SUMMARY:** On April 17, 2001, the Board approved the Lease Agreement with Bedner Farm, Inc. for use of two (2) parcels of property, approximately 90 acres in west Delray Beach and approximately 156 acres in west Boynton Beach. The initial term of the Lease Agreement was for one (1) year ending on May 31, 2002, with nine (9) one (1) year extension options. On May 15, 2007, the Board approved a First Amendment to Lease (R2007-0827) providing Bedner Farm, Inc. 12 additional one (1) year options to extend the term of the Lease Agreement. Exercising this eighth option will extend the term of the Lease Agreement from June 1, 2009, through May 31, 2010. There remain 13 annual extension options through May 31, 2023. The annual rental rate will remain at \$162,084 (approximately \$659 per acre). Pursuant to the terms of the Lease Agreement, Bedner Farm, Inc. has the right to exercise its option and the Board has no discretionary authority to not allow the exercise of the option. All other terms and conditions of the Lease Agreement shall remain in full force and effect. (PREM) District 5 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: a Release of Reverter on a parcel of land donated to the City of West Palm Beach for affordable housing development. **SUMMARY:** On November 25, 1986, the Board of County Commissioners conditionally transferred title to three (3) parcels of land to the City of West Palm Beach (the City). The original County deed required the land to be utilized in the City's "Infill Housing Program." The land parcels were subsequently transferred to the West Palm Beach Housing Authority (the Housing Authority) for the development of an affordable housing project known as "Merry Place." The Housing Authority has since developed affordable rental housing on one of the sites with all units being occupied. The Housing Authority's permanent lender is now seeking clear title on the parcel where the affordable rental housing units have been built. The development and full occupancy of this affordable rental housing project satisfies the conditions set forth in the original County deed executed on November 25, 1986. As a result, a release from the original reverter conditions is requested. The other two (2) parcels originally transferred to the City of West Palm Beach will remain with the reverter provisions intact. District 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve: five (5) Amendments totaling \$16,000 to Agreements under the Emergency Shelter Grants Program (ESGP) with the following nonprofit agencies for the period October 1, 2008, to September 30, 2009:

A) Amendment No. 001 to an Agreement with Aid to Victims of Domestic Abuse, Inc. (R2008-1892) for an additional \$3,200 to increase the amount funded from \$22,860 to \$26,060;

B) Amendment No. 001 to an Agreement with Children's Home Society of Florida, Inc. (R2008-1894) for an additional \$3,200 to increase the amount funded from \$22,870 to \$26,070;

C) Amendment No. 001 to an Agreement with Faith-Hope-Love-Charity, Inc. (R2008-1897) for an additional \$3,200 to increase the amount funded from \$22,860 to \$26,060;

D) Amendment No. 001 to an Agreement with Florida Resource Center for Women and Children, Inc. (R2008-1899) for an additional \$3,200 to increase the amount funded from \$22,860 to \$26,060; and

E) Amendment No. 001 to an Agreement with The Lord's Place, Inc. (R2008-1900) for an additional \$3,200 to increase the amount funded from \$22,860 to \$26,060.

SUMMARY: Housing and Community Development (HCD) has identified \$16,002.18 in ESGP funds that are available for re-programming. These funds are derived from unexpended ESGP funds which were awarded to five (5) sub-recipients during FY 2007-2008 and whose Agreements with the County expired on September 30, 2008. The funds are recommended to be awarded equally (\$3,200) to the following agencies: Aid to Victims of Domestic Abuse, Inc., Children's Home Society of Florida, Inc., Faith-Hope-Love-Charity, Inc., Florida Resource Center for Women and Children, Inc., and The Lord's Place, Inc. All of the above named agencies have current FY 2008-2009 ESGP Agreements with the County to which the additional funds will be added. The criteria used to select the agencies which are being recommended to receive these funds was formulated by the ESGP Advisory Board and are as follows: agencies have expended all of the funding received in FY 2007-2008 and most of their FY 2008-2009 ESGP award: performed well in terms of meeting their contractual goals; and funds be distributed to sub-recipients whose contracted activity is "Operation and Maintenance" of a homeless shelter. These are Federal ESGP funds and the required match will be met by the agency. **These Federal funds require a local match which is provided by the sub-recipient agencies.** Countywide (TKF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to approve: a unit price contract with Sheltra & Son Construction Co., Inc. for the Water Utilities Department Continuing Construction Contract to install potable water, reclaimed water, wastewater pipelines, manholes and lift stations over an 18 month term in a cumulative amount not to exceed \$6,238,320. **SUMMARY:** On April 8, 2009, ten (10) bids were received for the Water Utilities Department Continuing Construction Contract. Sheltra & Son Construction Co., Inc. is the lowest responsible and responsive bidder. This Contract will be used to expedite utility special assessment projects, federally funded utility improvement projects for the Belle Glade, Pahokee and South Bay Areas and other pipeline and lift stations projects where timing is critical. The Contract by itself does not guarantee nor authorize Sheltra & Son Construction Co. to perform any work. Work will be assigned during the 18 month contract period by formal work authorizations drawn against this Contract, with approvals pursuant to PPM CW-F-050 and requirements for any Federally funded projects. The unit prices contained in this Contract will be used in determining the cost of work authorizations. Supplements to work authorizations for changes that occur during construction will be subject to the change order limits for construction contracts as established under PPM CW-F-050 with each work authorization considered as an individual construction contract. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. This Contract with Sheltra & Son Construction Co., Inc. provides for SBE participation of 15.62% overall. (WUD Project No. 09-044) Districts 1, 2, 3, 5 & 6 (JM)

2. Staff recommends motion to approve: Consultant Service Authorization No. 23 to the Contract with Jordan Jones and Goulding, Inc. (JJG) (R2008-0527) for the East Central Regional Water Reclamation Facility (ECRWRF) Reclaimed Water Facility Construction Administration in the amount \$478,500. **SUMMARY:** This Consultant Service Authorization provides limited construction management services and startup assistance during construction of the ECRWRF Reclaimed Water Facility to serve the Florida Power and Light (FPL) West County Energy Center. The balance of construction management services will be provided by Water Utilities Department staff. FPL will reimburse the County for all costs associated with the implementation of this Authorization. The contract with JJG includes the Small Business Enterprise (SBE) participation goal of 28%, which exceeds the 15% goal established by the Palm Beach County Ordinance (No. 2002-064). This Consultant Services Authorization includes 40.23% overall participation. The consultant's cumulative SBE participation, including this Authorization, is 38.24% overall. (WUD Project No. 08-031) District 2 (MJ)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve: Contract with Weeks Marine, Inc. in the amount of \$9,037,108 for the construction of Juno Beach Shore Protection 2nd Nourishment Project No. 2009ERM01 (Project). **SUMMARY:** Three (3) bids were received for this Project. Weeks Marine, Inc. was the lowest responsive, responsible bidder with 0% Small Business Enterprise (SBE) participation, which does not meet the established 15% goal. However, the second low bid also fell outside the range for the ranking of SBE responsive consideration. The Project includes offshore dredging and constructed placement of fill along 2.4 miles of publicly accessible beach in Juno Beach and Jupiter. Beach work on this Contract will not commence until November 1, 2009. The Contract is funded from a combination of State grant dollars, and tourist development taxes, interest, and ad valorem funds. \$2.5 million has been identified in FEMA project worksheets for reimbursement due to impacts from Hurricanes Frances and Jeanne on Juno Beach. Additional FEMA funding has been requested for impacts due to Tropical Storm Fay. District 1 (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to:

A) approve State of Florida Department of Transportation Local Agency Program Agreement (Agreement) in an amount not to exceed \$1,250,000 for reimbursement of construction costs of Bluegill Trail from Riverbend Park to Sandhill Crane Park (FM No. 423809-1-58-01);

B) approve Budget Amendment of \$1,250,000 in the Environmental Capital Projects Fund; and

C) authorize the County Administrator or his designee to sign all future time extensions, task assignments, certifications, and other forms associated with the Agreement, and necessary minor amendments that do not change the scope of work or terms and conditions of the Agreement.

SUMMARY: The Agreement will encumber \$750,000 in Florida Stimulus Scenic Enhancement funds from the American Recovery and Reinvestment Act and \$500,000 in Florida Department of Transportation – Transportation Enhancement program funds to reimburse the cost of constructing the bicycle/pedestrian portion of the Northeast Everglades Natural Area Bluegill Trail. The project includes a 5.5 mile-long, ten-foot wide crushed concrete trail, a steel and concrete bridge over the Canal C-18E, a chickee shade shelter and informational signs. No County match is required. The trail connects the City of Palm Beach Gardens Sandhill Crane Access Park to Riverbend Park utilizing the eastern levee of the South Florida Water Management District Canal C-18E to traverse the Loxahatchee Slough Natural Area. The Agreement will expire December 31, 2011. Specific federal requirements for contract bidding and job reporting apply. District 1 (JMB)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to:

A) approve Change Order No. 1 to the Primary Contract for the Palm Beach County Annual Artificial Reef & Breakwater Project No. 2008ERM04 (R2008-1667) with M&J Construction Company of Pinellas County, Inc. (M&J) to increase the Contract by \$1,332,002 to a not-to-exceed amount of \$3,992,436;

B) authorize M&J to complete additional construction of the Riviera Beach Mitigation Reef in the amount of \$141,491 and to construct the Ocean Ridge Mitigation Reef in the amount of \$1,266,032, under work orders, in accordance with M&J's annual Contract (R2008-1667); and

C) authorize County Administrator, or his designee, to sign the work orders for the Riviera Beach Mitigation Reef and the Ocean Ridge Mitigation Reef projects.

SUMMARY: Staff request Board approval of Change Order No. 1 to increase the amount of work for the M&J Contract (R2008-1667) by \$1,332,002. Change Order No. 1 includes: 1) reducing the unit costs of the ton/mile transport of artificial reef materials by barge to \$3.54 per ton-mile 10 miles or greater from the staging site; and 2) increasing work including the completion of the Riviera Beach Mitigation Reef and the Ocean Ridge Mitigation Reef. Small Business Enterprise (SBE) goal of 21.04% as set forth in the Contract will remain in effect with greater detail provided in the work orders. In addition, staff seeks BCC authorization to execute two (2) additional work orders for the construction of these two (2) mitigation reef projects. These projects were obligated as permitting requirements for mitigation for work previously performed in the areas of Juno Beach, Jupiter Inlet and Ocean Ridge Shoreline Protection projects. The Riviera Beach Mitigation Reef is funded from a combination of Jupiter Inlet District Revenues, Tourist Development Taxes, ad valorem and interest earnings in the Beach Improvement Fund. The Ocean Ridge Mitigation Reef is funded 39% by the Florida Department of Environmental Protection and 61% from a combination of Tourist Development Taxes, ad valorem and interest earnings in the Beach Improvement Fund. Countywide (JM)

4. Staff recommends motion to approve: a Corrective Deed of Conservation Easement, which corrects omissions in an existing Conservation Easement held by Palm Beach County. **SUMMARY:** Old Gate Subdivision is a small four-lot subdivision bordering the Intracoastal Waterway just south of Donald Ross Road. The Corrective Deed of Conservation Easement allows minor trimming of existing mangroves as necessary for docks as may be authorized by State or Federal permitting authorities. Unincorporated (JB)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: executed Independent Contractor Agreements received during the month of April:

A) Jessica Gruber, Swimming Instructor, Therapeutic Recreation Complex; and

B) Caroline Karolinko, Synchronized Swimming Instructor, Aqua Crest Pool.

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and are now being submitted to the Board to receive and file. Districts 3 & 7 (AH)

2. Staff recommends motion to approve: Recreation Assistance Program allocation to the Parks and Recreation Department in an amount not-to-exceed \$2,250 to fund swimming lessons at Pioneer Park Pool. **SUMMARY:** This allocation provides \$2,250 to fund swimming lessons at Pioneer Park Pool in Belle Glade. The Palm Beach County Drowning Prevention Coalition will distribute vouchers also known as "Drowning Prevention Bucks" to the public which may be redeemed for swimming lesson at Pioneer Park Pool. Funding is from the Recreation Assistance Program (RAP) District 6 Funds. District 6 (AH)

3. Staff recommends motion to approve: Budget Transfer of \$160,000 within the \$50 Million General Obligation 2005 Waterfront Access Bond fund from Reserves to Saltwater Boat Ramp Trailer Parking Program. **SUMMARY:** This Budget Transfer is necessary to fund the purchase and installation of ten (10) parking fee kiosks to be located within five (5) saltwater boat ramp parks. Purchase and Installation costs include the kiosks, citation units, signage, pavement striping, space identification, software, and other related items. Districts 1 & 7 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

A) **approve** the submittal of the following four (4) grant proposals to the Florida Department of Law Enforcement (FDLE) for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program: 1) State Attorney's Office, 15th Judicial Circuit for COMBAT program positions for \$180,000; 2) Palm Beach County Criminal Justice Commission Youth Violence Prevention Project for \$1,691,582; 3) Palm Beach County Weed & Seed Program in Delray Beach, Riviera Beach and West Palm Beach for \$200,000; and 4) City of West Palm Beach Community Justice Service Center for \$400,000 for the period October 1, 2009, through September 30, 2010; and

B) **authorize** the Criminal Justice Commission's Executive Director, through the County Administrator, to execute electronically all related documents for the FY 2010 Edward Byrne Memorial Justice Assistance Grant Program and to execute all necessary forms, documents and the resulting grant agreement as required by the FDLE for FY 2010.

SUMMARY: The Criminal Justice Commission met on May 11, 2009, and approved the recommendations made by the CJC Finance Committee for FY 2010 funds totaling \$2,471,582. No local match is required for the JAG program. Countywide (DW)

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT

1. **Staff recommends motion to adopt:** a Resolution granting the delegation of authority to the County Administrator, or his designee, to execute any necessary documents associated with the mandatory registration and reporting requirements under the provisions of the Medicare Secondary Payer Mandatory Reporting Provisions in Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (See 42 U.S.C. 1395y(b)(7)&(b)(8) and in other guidance issued by the Centers for Medicare and Medicaid Services (CMS). **SUMMARY:** Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 has recently added new mandatory reporting requirements for group health plans, liability insurance (including self-insurance) and workers' compensation. The Palm Beach County Board of County Commissioners is a "responsible reporting entity" (RRE) which must comply with these mandatory reporting requirements and must register with the Medicare Coordination of Benefits Contractor as required by the Act. Through the registration process, RREs will provide notification to the Medicare Coordination of Benefits Contractor of their intent to report data in compliance with the requirements of Section 111 of the Act. The delegation from the County Administrator to the Director of Risk Management will be requested for the purpose of compliance and timely registering and reporting under the Act. Registration must be completed before testing for the mandatory reporting can begin. Countywide (TKF)

AA. PALM TRAN

1. **Staff recommends motion to adopt:** Resolution authorizing Palm Tran to file a Transportation Disadvantaged (TD) Trip and Equipment Grant Application in the estimated amount of \$2,075,766. **SUMMARY:** The State of Florida Commission for the Transportation Disadvantaged annually makes funds available to Community Transportation Coordinators through the Transportation Disadvantaged Trip and Equipment Grant Program. The grant cycle runs from July 1, 2009, through June 30, 2010. Palm Beach County has been allocated funds for FY 2009/2010: Trip and Equipment Grant: \$2,075,766; Total State Grant: \$1,868,189; Local Match: \$207,577; Voluntary Dollar Contributions: \$2,724; In-Kind Match for Voluntary Dollar: \$272; Total Grant: \$2,078,762. The local match has already been budgeted in Palm Tran's proposed FY 2010 operating budget. Countywide (DR)

2. **Staff recommends motion to:**

A) adopt Resolution approving a Florida Department of Transportation (FDOT) Supplemental Joint Participation Agreement No. 3 (JPA) FM No. 42317819401 amending the Scope of the agreement to include the cost of park and ride lots;

B) approve Budget Transfer of \$500,000 in the Palm Tran Grants Fund to reallocate these funds from Intermodal Facility to Park and Ride lots;

C) approve Budget Transfer of \$706,427 in the Public Building Improvement Fund to reallocate these funds from Intermodal Facility to Park and Ride lots; and

D) approve Budget Amendment of \$293,573 in the Public Building Improvement Fund to recognize the increase in funding for the Park and Ride project.

SUMMARY: FDOT amended the scope of JPA FM No. 42317819401 (R2007-2301) to allow up to \$1.5 million dollars of grant funds to be used for the construction of the West Palm Beach Intermodal Facility. The current amendment allows these funds to be used for Park and Ride lots (100% state funds, no match required). The construction of the Intermodal Facility is about to be completed and Palm Tran anticipates that not all of the funds allocated for the construction of the Intermodal Facility will be used. FDOT is allowing the remaining funds to be used for the construction of park and ride lots. Countywide (DR)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

3. Staff recommends motion to approve:

A) downward Budget Amendment of \$96,542 in the Palm Tran Grants Fund in order to reconcile the FY 2009 budget to the actual grant award from the Florida Department of Transportation Block Program; and

B) downward Budget Amendment of \$96,542 in the Palm Tran Operating Fund in order to reconcile to the transfer made from the Palm Tran Grants Fund.

SUMMARY: In 2004, Palm Beach County executed a Resolution and a five (5) year agreement with the Florida Department of Transportation (FDOT) to provide operating funding for mass transit in the urbanized areas of Palm Beach County; and authorizing the County Administrator or Palm Tran Director as the appropriate staff to sign the annual interim year Notification of Funding form, on behalf of the Board (R2004-1923). Palm Tran estimates every year the amount to be received from FDOT and allocates the required match on its budget. The match funds are accounted for as the cost of providing mass transit services in Palm Beach County including operating, maintenance, and administrative costs. Grant and match included in the FY 2009 budget were for \$3,800,000 with the actual award being \$3,703,458. Block funding was reduced due to statewide revenue reductions. Countywide (DR)

4. Staff recommends motion to:

A) adopt Resolution approving a Florida Department of Transportation (FDOT) Supplemental Joint Participation Agreement No. 1 (JPA) FM No. 42386519401, providing additional funding for planning, design and construction of Park and Ride lots in Palm Beach and Martin Counties; amending the original JPA by increasing the total award from \$490,000 to \$774,258 (a \$284,258 increase – State Funds);

B) approve upward Budget Amendment of \$284,258 in Palm Tran's Grant Fund to reconcile the Fiscal Year 2009 budget to the new grant award;

C) approve downward Budget Amendment of \$122,742 in the Public Building Improvement Fund decreasing the funds available for the Wellington Park and Ride Project.

SUMMARY: FDOT is providing a supplemental amount of grant funds of \$284,258 (100% State funds, no match required) to fund costs associated with the planning, design and construction of Park and Ride lots in Palm Beach and Martin Counties. This will facilitate the express service that will connect Martin and Palm Beach Counties, and provide funding for other Park and Ride facilities in Palm Beach County. Funds are 100% State Funds and no local match is required. The downward budget amendment in the Public Building Improvement Fund reallocates and leaves \$367,258 available for the construction of the Wellington Park and Ride, and \$407,000 for the Martin County Express Park and Ride in the Palm Tran Grant Fund. Countywide (DR)

3. CONSENT AGENDA APPROVAL

BB. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to adopt: a Resolution authorizing the expenditure of \$150,000 in tourist development tax revenues from the Special Projects Fund for Super Bowl 2010 South Florida Super Bowl Host Committee XLIV promotion. **SUMMARY:** By adopting this Resolution, the Board of County Commissioners establishes that the expenditure of tourist development tax revenues on Super Bowl 2010 will promote Palm Beach County tourism and authorizes the expenditure of those funds in the total amount of \$150,000 according to the following schedule: \$50,000 prior to June 1, 2009, \$50,000 prior to November 1, 2009, and \$50,000 prior to March 1, 2010. Countywide (MC)

* * * * *

4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A.** Proclamation declaring June 20, 2009 as “World Refugee Day” in Palm Beach County.
(Sponsored by Commissioner Santamaria)

- B.** Proclamation declaring June 18, 2009 as “Dump the Pump Day” in Palm Beach County.
(Sponsored by Commissioner Koons)

* * * * *

5. PUBLIC HEARING - 9:30 A.M. (Motion to receive and file: Proof of publication)

- A. Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 17-116 of the Code of Laws and Ordinances; as codified in the Tourist Development Ordinance of Palm Beach County, Florida, Ordinance 95-30, as amended; providing for an amendment to the Tourist Development Plan to authorize the expenditure of additional tourist development tax revenues for the promotion and marketing of Palm Beach County tourism and to establish a reserve for the repair and maintenance of a professional Sports Stadium and a Convention Center; providing for repeal of laws in conflict; providing for a savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for penalty; providing for applicability; and providing for an effective date. **SUMMARY:** This Ordinance provides for an amendment to the County's Tourist Development Plan to authorize the expenditure of the bed tax operating reserve fund of the 1st Cent of the Tourist Development Tax ("bed tax") for a marketing stimulus campaign of \$3 million to promote County tourism by all agencies and to establish a reserve for repairs and maintenance of a professional sports stadium and a convention center. Countywide (MC)

* * * * *

6. REGULAR AGENDA

A. ADMINISTRATION

TIME CERTAIN - 10:00 A.M.

1. **Staff recommends motion to receive and file:** Presentation of the 2009 Legislative Session final report. **SUMMARY:** A presentation of the final legislative report reviewing Palm Beach County's 2009 Legislative Agenda priorities and appropriations with the Board of County Commissioners. Countywide (DW)

2. **Staff recommends motion to adopt:** a Resolution in support of revisions to the national health care system which would include a public option to ensure health care coverage for all Americans without imposing additional mandates on county governments. **SUMMARY:** At the May 19, 2009 Board of County Commission meeting, the Board directed staff to prepare a resolution that supports a national health care system that will ensure health care coverage for all Americans. Countywide (TKF)

3. **Staff requests Board direction:** regarding the location for the Supervisor of Election's (SOE) Voter Equipment Center (VEC). **SUMMARY:** Due to the need to handle massive amounts of paper from the change in the voting system for 2008, and to facilitate public access to the Election Day vote tabulation, the County (on behalf of the SOE) leased approximately 23,000 sq. ft. of the Department of Airport's SkyChef Building. The SOE believes the space requirements for the VEC are approaching 70,000 sq. ft. and has requested that the County evaluate leasing space for this purpose. In response, Staff contacted the representatives of industrial and commercial properties including those identified by the SOE, but came to the conclusion that: 1) the physical space features/attributes of the leased properties are not fundamentally different from SkyChef, 2) the rent, common area maintenance charges, tenant and infrastructure improvement costs would be roughly \$1.8M higher than at SkyChef over a five (5) year period, and 3) it was unlikely that a leased property could be secured and improved in time for the next election cycle. To accommodate the SOE, Staff has proposed to expand the space allocated to the SOE at SkyChef to 69,000 sq. ft. by relocating the County tenants (Sheriff) by the end of 2009 and expanding into the second floor. The SOE does not find SkyChef to be acceptable. Among reasons stated are: insufficient space, poor layout of space and second floor access issues. FDO believes that space and functional requirements identified by the SOE can be accommodated at SkyChef. The SOE believes that satisfactory facilities are available for lease which can be made ready for occupancy by the end of the year at a similar price to SkyChef so that 2010 countywide elections can be handled from the new site. The SOE has identified a specific building which it believes can meet its needs at a reduced rental rate and will require few improvements. Staff believes that leasing space from a private owner will require an unbudgeted outlay for improvement and move costs of \$2M. In addition, Staff believes there is substantial risk associated with having to select a facility, negotiate a contract and make the necessary improvements in less than a year. Staff believes that SkyChef continues to be a reasonable site for the VEC due to proximity to SOE Gun Club Road offices, security on Airport property, County ownership of building, access to County computer network, cost, and proven functionality during the 2008 election. Countywide (HF)

6. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

4. Staff recommends motion to:

A) adopt a Resolution supporting TBC Parent Holding Corporation, including its two (2) subsidiaries TBC Retail Group, Inc. and TBC Shared Services, Inc. (collectively TBC Corporation) for Florida's Qualified Target Industry (QTI) Tax Refund Program;

B) approve the Job Growth Incentive (JGI) Grant Agreement, as the required 20% QTI local match, with TBC Corporation in the amount of \$40,000 for the creation of 50 jobs in Palm Beach County at an average annual salary of \$65,200, excluding benefits;

C) approve a Budget Transfer of \$40,000 from the General Fund Contingency Reserve to the Economic Development JGI Fund; and

D) approve a Budget Amendment of \$40,000 to the Economic Development Office fund to recognize and appropriate the transfer of funds from the General Fund Contingency Reserve.

SUMMARY: TBC Corporation, headquartered in Palm Beach Gardens since 1981 with the creation of the Tire Kingdom chain, is a tire retailer and wholly-owned subsidiary of Sumitomo Corporation of America. The JGI Agreement requires the company to retain 345 jobs, and create 50 new jobs, for a total of 395 jobs with an average salary of \$65,200, excluding benefits, by December 31, 2011; and maintain the jobs through December 31, 2014. The JGI grant is recommended at \$800 per job created or \$40,000. TBC Corporation's investment in our local economy is expected to produce total economic impacts from direct, indirect and induced dollars as follows: \$10.6 million in output, \$4.6 million in wages, and \$284,000 in taxes. TBC Corporation has filed a Qualified Target Industry (QTI) Tax Refund program application with Enterprise Florida. It is anticipated that the State will award up to \$200,000. The QTI requires a 20% local match or \$40,000. The 20% match will be achieved using the JGI grant. Funds are not allocated in the 2009-2010 budget for JGI. The BCC directed Staff to bring qualified companies to the BCC for consideration. District 1 (DW)

B. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Amendment No. 001 to the Residential Rehabilitation Program policies approved on November 6, 2007 (Agenda Item 5D-1), adding requirements for property and windstorm insurance to be carried by participating property owners. **SUMMARY:** The policies approved for the Residential Rehabilitation Program presently only require property owners participating in the program to maintain flood insurance coverage if the property is located in certain flood zones as determined in the Federal regulations pertaining to the Community Development Block Grant Program (CDBG). The County's Internal Auditor recommended that the insurance requirements be expanded, and Housing and Community Development has agreed to amend these policies. Accordingly, participating homeowners who submit applications under this program after this date, shall be required to carry property and windstorm insurance, in addition to flood insurance (when mandated). **These are Federal CDBG funds that require no local match.** Countywide (TKF)

6. REGULAR AGENDA

B. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to:

A) approve the 11th Amendment to the Palm Beach County FY 2008-2009 Action Plan, constituting an application to the U.S. Department of Housing and Urban Development (HUD) under its Community Development Block Grant Recovery (CDBG-R) Program; and

B) adopt a Resolution authorizing the County Administrator or his designee to sign the 11th Amendment to the FY 2008-2009 Action Plan, Standard Form 424, General Consolidated Plan Certifications, Certifications, HUD Agreement, and all other documents related to the CDBG-R Program.

SUMMARY: The American Recovery and Reinvestment Act of 2009 (ARRA), approved on February 17, 2009, appropriated \$1 billion in Community Development Block Grant (CDBG) funds to assist in the economic revitalization and growth of communities. The Palm Beach County CDBG entitlement jurisdiction (which excludes the Cities of West Palm Beach, Boca Raton, Delray Beach and Boynton Beach) was allocated \$1,846,758 in CDBG-R funding. In order to access the funds, Palm Beach County is required to amend its FY 2008-2009 Action Plan and submit the substantial Amendment to HUD on or before June 5, 2009. The Amendment will function as the County's application for the use of the stimulus funding. Under CDBG-R, eligible activities include all activities eligible for funding under the regular CDBG program. However, HUD urges grantees to use funds for 'shovel-ready' projects where economic benefit is easily measurable and projects that can be awarded funds within 120 days of the date of execution of the HUD grant agreement. As such, the 11th Amendment allocates the CDBG-R funds as follows: a) \$95,000 for Public Service activities; b) \$1,387,082 for Capital Improvement activities; c) \$180,000 for Economic Development; and d) \$184,676 for planning and administrative costs. As required by HUD, a Public Notice of the Amendment and Board of County Commissioners meeting was published on May 26, 2009, and posted on HCD's website. **These are Federal funds that require no local match.** Countywide (TKF)

C. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve:

A) Budget Transfer of \$100,000 from the General Fund Contingency Reserves to Building Division to cover the cost of demolition of severely damaged properties that pose a life/safety issue; and

B) Budget Amendment of \$100,000 in the Building Division Expenditure Fund to recognize and appropriate the transfers from the General Fund Contingency Reserves.

SUMMARY: This item provides the funding for Building Division to demolish several severely damaged properties that pose life/safety issues. Funds were previously allocated by the Building Division to cover the cost of demolitions; however, due to the decline in budget, the allocated funding has already been depleted. When the County has a building demolished, a lien is placed on the property for the cost incurred. Unincorporated (GB)

6. REGULAR AGENDA

D. PUBLIC SAFETY

1. [Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on July 21, 2009 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 4 of the Palm Beach County Code (Ordinance 98-22, as amended by Ordinance No. 2003-29, Ordinance 2005-44, and Ordinance No. 2008-004) pertaining to animal care and control; amending Section 4-2 of the Palm Beach County Code (definitions); amending Section 4-27 of the Palm Beach County Code (dangerous dogs and vicious dogs); providing for repeal of laws in conflict; providing for savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for penalty; providing for captions; and providing for an effective date. **SUMMARY:** At a meeting of the Board of County Commissioners held on April 21, 2009, the Board directed staff to prepare an amendment to the Animal Care and Control Ordinance to strengthen provisions pertaining to dangerous and vicious dogs. Countywide (SF)

TIME CERTAIN - 2:15 P.M.

2. [Staff recommends motion to receive and file:](#) the 2009 Hurricane Preparedness Update. **SUMMARY:** Staff will present a power point presentation on the status of our 2009 Hurricane Season readiness. The presentation will include an overview our new National Incident Management System (NIMS) organizational structure and our new WEB-EOC incident management software system both of which would be utilized to manage all future disaster events. Other operational updates will also be presented. Countywide (DW)

E. WATER UTILITIES

1. [Staff recommends motion to approve on preliminary reading and to advertise for Public Hearing on June 16, 2009 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 27, Article IV of the Palm Beach County Code (Wastewater Facilities Use Ordinance); amending certain provisions for consistency with changes to the Florida Administrative Code and Department name changes; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** The Florida Department of Environmental Protection conducted a Pretreatment Program Audit of the Water Utilities Department's pretreatment program. Part of the audit was the review of the Wastewater Facilities Use Ordinance (Ordinance), codified at Chapter 27, Article IV of the Palm Beach County Code, for legal sufficiency. This Ordinance gives the Water Utilities Department the authority to administer the pretreatment program. The program's objectives are to prevent the introduction of pollutants to the wastewater collection system that if inadequately treated, can endanger the wastewater treatment process, plant operators, transmission workers, and the public with harmful pollutants. In addition, the program improves the opportunity for the utilities to improve the quality of reclaimed water, domestic wastewater sludge and promote the preservation and enhancement of the regional ecosystem. The changes to the Ordinance include updating references to certain renumbered or deleted provisions of the Florida Administrative Code, and a name change of the Florida Department of Health and Rehabilitative Services to the Florida Department of Health. Countywide (MJ)

6. REGULAR AGENDA

F. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to:

A) approve a new portion of the Land Development schedule of user fees to allow charges and establish a schedule of the charges for the review and processing time from the Roadway Production and the Traffic Engineering Divisions to be added to the cost of right-of-way construction permits and services; and

B) adopt a Resolution revising a schedule to increase the user fees to more closely match actual Palm Beach County (County) costs (including the Engineering Department and County Attorney's Office) in the review and preparation of various Land Development permits and services, and to include the addition of a fee schedule for the Roadway Production and Traffic Engineering Divisions.

SUMMARY: Approval would allow for and establish a new fee schedule to defray the plan review costs of the Roadway Production and the Traffic Engineering Divisions, for the required review of plans and permit applications proposing construction within County rights-of-way. Approval will also update the current Land Development Fee Schedule to bring fees up to date with current costs, as well as to accommodate the review cost of selected items from the County Attorney's Office. This action will repeal the latest fee revision, Resolution R99-1071, which was adopted in June 1999. Countywide (MRE)

2. Staff recommends the Board readdress Fargo Avenue and reconsider prior Board direction: relating to the paving of Fargo Avenue. **SUMMARY:** The Board determined in the April 21st board meeting, at the request of Commissioner Santamaria, that the Fargo Avenue paving assessment options should be placed on a future agenda. This item does that, and it will also cover the history of road paving and associated assessments in the Ranchettes and allow the Board to provide appropriate direction to staff. District 6 (MRE)

6. REGULAR AGENDA

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:

A) adopt a Resolution authorizing the County to obtain a line of credit in the principal amount of \$22,568,948 to support the issuance of letters of credit to satisfy the debt service reserve fund requirements of four of the County's outstanding bond issues; approving the form of and authorizing the execution of a Loan Agreement with Wachovia Bank, N.A. and providing for an effective date; and

B) authorize OFMB prepare a Budget Transfer of \$48,000 from sales tax revenues and amend the four (4) debt service funds and general fund to provide budget for additional fees associated with line of credit.

SUMMARY: On September 9, 2008 (R2008-1565), the Board approved a line of credit with SunTrust Bank to satisfy the debt service reserve requirement for four (4) bond issues. The line of credit is due to expire on September 10, 2009. On April 23, 2009, SunTrust's bank ratings dropped below the AA rating required by the four (4) bond Resolutions. On May 19, 2009, the Board adopted a Resolution (R2009-0887) authorizing a line of credit with Wachovia Bank in the principal amount of \$38,776,332 for seven (7) County bond issues at the lowest annual rate available in the market today. During our discussions with Wachovia, they agreed to replace SunTrust Bank on the above \$22,568,948 line of credit at the same annual fee. Staff is recommending that the Board move forward with the replacement at this time because changing market conditions could result in an increase in the fees if we wait until the expiration date. The term of the line of credit is one (1) year subject to renewal by the County and acceptance by Wachovia Bank. The annual fees will be included in the FY 2010 Budget. Countywide (PFK)

* * * * *

JUNE 2, 2009

7. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

JUNE 2, 2009

8. MATTERS BY THE PUBLIC – 2:00 P.M.

- A.** Presentation of \$4,000 to County Parks and Recreation Department in support of the “Green Thumb Club” by Keep Palm Beach County Beautiful, Inc.

JUNE 2, 2009

9. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

JUNE 2, 2009

10. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

B. District 2 - COMMISSIONER JEFF KOONS, CHAIRMAN

C. District 3 - COMMISSIONER SHELLEY VANA

D. District 4 – COMMISSIONER STEVEN L. ABRAMS

Proclamation declaring June 7 – 13, 2009 as “National Garden Week” in Palm Beach County.

E. District 5 - COMMISSIONER BURT AARONSON, VICE CHAIRMAN

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER

11. ADJOURNMENT

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JUNE 2, 2009

<u>PAGE</u>	<u>ITEM</u>	
6	3A-1	<p><u>REVISED MOTION/TITLE:</u> Staff recommends motion to adopt:</p> <p><u>A) adopt</u> a Resolution authorizing the submittal of a \$1 million Brownfield's Economic Development Initiative (BEDI) Grant Application and a new \$4 million Section 108 Federal Loan Application to the U.S. Department of Housing and Urban Development; <u>and</u></p> <p><u>B) authorize</u> the County Administrator or his designee to sign all documents <u>related to this grant/loan application.</u> (Admin/Economic Development)</p>
10	3G-2	<p><u>REVISED TITLE:</u> Staff recommends motion to approve: A) Budget Amendment of \$431,514 in the \$27 Million Sunshine Loan No. 7A, Series 2005 Debt Service Fund to record interest earnings and the transfer from the \$27 Million Sunshine Loan No. 7 Debt Service Reserve Fund and adjust the principal payments, payments to refunding bond escrow agent and the transfer to \$94.235M Public Improvement Revenue Bonds, Series 2008-2 Max Planck/Sunshine Loan Refunding Debt Service Fund in accordance with the final payoff of the loan;...B)..C)..D)..E)..F)..G)..H)..I)..J)..K) Budget Amendment of \$97,723 <u>\$97,993</u> in the \$94.235M Public Improvement Revenue Bonds, Series 2008-2 Max Planck/Sunshine Loans Refunding Debt Service Fund to adjust transfers from the various Sunshine Loan Debt Service Funds and reserves for future debt service payments. (OFMB)</p>
16	3L-2	<p><u>DELETED:</u> Staff recommends motion to: A) approve State of Florida Department of Transportation Local Agency Program Agreement (Agreement) in an amount not to exceed \$1,250,000 for reimbursement of construction costs of Bluegill Trail from Riverbend Park to Sandhill Crane Park (FM No. 423809-1-58-01);...(ERM) (Further staff review)</p>
22	4C	<p><u>ADD-ON:</u> Proclamation declaring June 27, 2009 as "National HIV Testing Day" in Palm Beach County. (Sponsored by Commissioner Koons)</p>
22	4D	<p><u>ADD-ON:</u> Certificate of Appreciation to Representative Priscilla Taylor for her dedication and leadership as the Chair of the Palm Beach County Delegation from 2008 – 2009.</p>
25	6A-5	<p><u>ADD-ON:</u> Staff recommends motion to adopt: Resolution supporting Certificate of Need (CON) Applications from St. Mary's Medical Center for a Pediatric Open Heart Service and a Pediatric Cardiac Catheterization Service. SUMMARY: This Resolution has been requested by St. Mary's Medical Center for inclusion with two (2) CON Applications filed with the Florida Agency for Health Care Administration (AHCA). The applications are requesting State approval for the addition of Pediatric Open Heart Services and Pediatric Cardiac Catheterization Services at St. Mary's Medical Center on 45th Street in West Palm Beach. The Resolution indicates that there is a need for these services and that the Board of County Commissioners supports the applications of St. Mary's Medical Center. It is staff's understanding that no other Palm Beach County hospitals are filing competing applications. The West Palm Beach City Commission will consider a similar resolution on June 1, 2009. <u>Countywide</u> (TKF) (Admin)</p>

ADD-ON: Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on June 16, 2009 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida granting to Florida Power & Light Company, its successors and assigns, an electric franchise in the unincorporated areas of Palm Beach County, Florida; imposing provisions and conditions relating thereto; providing for monthly payments to palm beach county, and providing for an effective date. **SUMMARY:** This Ordinance provides for a new Franchise Fee agreement with Florida Power & Light (FPL) for unincorporated Palm Beach County decreasing the maximum rate from 6% to 5.9% and changing the method of calculating the Franchise Fee by eliminating the consideration given for taxes FPL pays to the County and certain other taxing authorities. Under the current agreement, after the off-set for taxes paid, FPL pays an effective rate of 4.2%. As significant new property taxes will be due from the completion of the new plant at 20 Mile Bend and rehabilitation of the Riviera Beach plant, the off-set for taxes paid will increase resulting in less Franchise Fee revenue to the County. By eliminating the consideration for taxes paid by FPL from the calculation and lowering the maximum rate to 5.9%, the effective rate will increase from 4.2% to 5.9% and result in an \$11 million increase in Franchise Fee revenue to the County. This additional revenue is included in the proposed FY 2010 budget. FPL passes this rate onto its customers in the unincorporated area - the average residential FPL bill will increase \$2.80 per month. If no change is made to the existing agreement: 1) except for increases or decreases in electric usage, Franchise Fee revenue will decline as the amount of property taxes FPL pays increases; and 2) \$11 million will need to be cut from the proposed FY 2010 budget. Unincorporated Palm Beach County (RPB) (Admin)

ADD-ON: Staff recommends motion to approve: Interlocal Agreement with the City of Pahokee, contingent upon approval by the City, authorizing the County to perform capital improvements within the City's utility service area to be reimbursed from American Recovery and Reinvestment Act (ARRA) funds and a State Revolving Fund loan allocated through the Florida Department of Environmental Protection (FDEP) and providing for a covenant by the County to repay the principal and interest on loans totaling \$976,302 provided that the Glades Utility Authority (GUA) is established. **SUMMARY:** The Water Utilities Department will undertake certain construction projects on behalf of the City of Pahokee utilizing ARRA funds. The FDEP administers the funding and has allocated \$5,511,570 to the City of Pahokee. Of this amount, \$4,535,268 will be a ARRA principal forgiveness grant, \$506,159 will be a loan and \$470,143 will be a Clean Water State Revolving Funds (CWSRF) loan. These funds will be used to make significant improvements to City's sanitary sewer system. FDEP and ARRA regulations require that the funding be paid directly to the City. This Agreement provides for the City to reimburse the County for the cost of the projects. Additionally, a covenant by the County to repay the principal and interest portion of the loans is required by FDEP because the City does not have the resources necessary to ensure repayment. The County will only need to pay the debt service in the event the GUA is unable to pay the debt service with its own revenue. If the GUA is created as planned, the Loan Agreements will be transferred to the GUA for repayment. If the GUA is not formed, the City will not accept the ARRA funds and the County will not perform the improvements. These grants and loans will provide a significant source of funds needed in the GUA's first year of operation. District 6 (MJ) (WUD)

27 6E-3 **ADD-ON: Staff recommends motion to approve:** Interlocal Agreement with the City of South Bay, contingent upon approval by the City, authorizing the County to perform capital improvements within the City's utility service area to be reimbursed from American Recovery and Reinvestment Act (ARRA) funds allocated through the Florida Department of Environmental Protection (FDEP) and providing for a covenant by the County to repay the principal and interest on the \$67,874 loan portion of the funding provided that the Glades Utility Authority (GUA) is established. **SUMMARY:** The Water Utilities Department will undertake certain construction projects on behalf of the City of South Bay utilizing ARRA funds. The FDEP administers the funding and has allocated \$792,000 in ARRA funds for the project in South Bay, made up of a \$724,126 ARRA principal forgiveness grant and a \$67,874 ARRA loan. The South Bay project will reduce wet weather wastewater overflows caused by the inflow of storm water and infiltration of groundwater into the sanitary sewer system, which are a public health hazard due to the potential of exposure by the public to raw sewage. FDEP and ARRA regulations require that the funding be paid directly to the City. This Agreement provides for the City to reimburse the County for the cost of the projects. Additionally, a covenant by the County to repay the principal and interest portion of the loan is required by FDEP because the City does not have the resources necessary to ensure repayment. The County will only need to pay the debt service in the event the GUA is unable to pay the debt service with its own revenue. If the GUA is created as planned, the Loan Agreement will be transferred to the GUA for repayment. If the GUA is not formed, the City will not accept the ARRA funds and the County will not perform the improvements. These grants and loans will provide a significant source of funds needed in the GUA's first year of operation. District 6 (MJ) (WUD)

29 6H-1 **ADD-ON: Staff recommends motion to approve:** Amendments to the Agreements with: **A)** Discover Palm Beach County, Inc., d.b.a. the Palm Beach County Convention & Visitors Bureau (CVB); **B)** the Palm Beach County Cultural Council, Inc.; **C)** the Palm Beach County Sports Commission, Inc.; and **(D)** the Palm Beach County Film & TV Commission, Inc. to provide for receipt of additional 'bed tax' funding for a tourism stimulus campaign. **SUMMARY:** The amendments to the County's agreements with the four (4) 'TDC agencies' provide for revised budgets reflecting their receipt of additional funding for the multi-prong marketing campaign to promote Palm Beach County tourism. The campaign with a combined cost of \$3,000,000 will be funded from the Operating Reserve Fund of the 1st cent of the bed tax which allocation was approved by the BCC on May 19th and will be available upon enactment of an amendment to the TDC Ordinance which is set for public hearing today. Countywide (MC) (TDC)

ADD-ON: Staff recommends motion to approve:

A) Budget Transfer of \$3,000,000 from the TDC-1st Cent Tourism Local Option Tax Fund operating reserves to establish transfers to the TDC-Tourism, TDC-Cultural Council, TDC-Film and Television Commission and the TDC-Sports Commission Funds to fund a marketing stimulus campaign;

B) Budget Amendment of \$2,296,700 in the TDC Tourism Fund to recognize and appropriate the transfer from the TDC- 1st Cent Tourism Local Option Fund. Of this amount, \$2,000,000 is designated for the Convention Center and Visitor's Bureau and \$296,700 for Eco Tourism;

C) Budget Amendment of \$473,500 in the Cultural Council Fund to recognize and appropriate the transfer from the TDC- 1st Cent Tourism Local Option Fund;

D) Budget Amendment of \$82,500 in the Film and Television Commission Fund to recognize and appropriate the transfer from the TDC- 1st Cent Tourism Local Option Fund;

E) Budget Amendment of \$147,300 in the Sports Commission Fund to recognize and appropriate the transfer from the TDC- 1st Cent Tourism Local Option Fund;

F) Budget Transfer of \$10,000,000 in the TDC 1st Cent Tourist Local Option Fund operating reserves to establish transfer to the TDC-Building Renewal and Replacement Fund to pay for renewal and replacement costs at the Roger Dean Stadium and the Convention Center; and

G) Budget Amendment of \$10,000,000 in the TDC-Building Renewal and Replacement Fund to recognize and appropriate the transfer from the TDC-1st Cent Tourist Local Option Fund.

SUMMARY: The budget amendments and transfers reflect prior Board of County Commissioners direction to reallocate operating reserves from the TDC-1st Cent Tourism Local Option Tax Fund, which is dedicated to the expansion of the Convention Center. At the March 17, 2009 BCC meeting, the Board directed staff to restrict \$10 Million of budgeted operating reserve funds for future year expenditures for the Convention Center and Stadium renewal/replacement account. On May 19, 2009, the BCC approved the reallocation of \$3 million for a multi-agency tourism stimulus strategy to market Palm Beach County to fly and drive market travelers. A Public Hearing relating to an amendment to the Tourist Development Ordinance of Palm Beach County that authorizes these expenditures is being held on today's BCC meeting. Countywide (MC) (TDC)

ADD-ON: Staff recommends motion to approve: Agreement with the Village of Wellington to support the development of a Park-and-Ride lot. **SUMMARY:** The Village of Wellington has agreed to make available to the County sufficient property (two (2) acres) for use as a Park-and-Ride lot (the Facility). The County will provide funding, permitting, design, construction and project management for the construction activities. The Park-and Ride lot will have approximately 140 parking spaces. The Agreement allows the County's access and use of the Facility for an initial term of ten (10) years and automatically extends for two (2) additional five (5) year periods, unless terminated by the County. The Village of Wellington will be responsible for the continuing maintenance and security of the Facility after construction. The estimated cost of design and construction is \$702,765, all of which is being funded under existing grants, with no County match or participation. District 6 (DR) (Palm Tran)

NOTE: Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (*).